

Boisey L. Neal- DOC# 439- 87/  
Case Number: 02- K-07- 001393

February 4th, 20014

114

To the Honorable William C. Mulford 11,

Good day Your Honor...

Let me first start off by saying thank you for allowing me the unremitting door to write you in regards of my current situation. Your Honor, I have something of great importance to share with you about the sentencing sequence in my case.

Your Honor, the State has clearly shown that convictions are more important than Justice. I say this because of the states continuous efforts of laboring to shirk the responsibility to uphold the states integrity to acknowledge the fact that there is and always has been a problem with the sentencing sequence from the imposed sentence in case number 02-K-07-001393, which was imposed on March 28<sup>th</sup>, 2008.

Your Honor, the state has said on every motion that I, the defendant have filed that the sentence that I, the defendant is serving is indeed proper... Well, Your Honor, could the imposed sentence from case number 02-K-07-001393, be properly imposed if in fact the sentencing sequence is out of order?

I would ask ,Your Honor to please see case number 03-K-95-001261, that was imposed second by the Honorable Judge Lawrence R. Daniels from Baltimore County.

This sentence is said to run Consecutive behind Your Honor's Said 15 years, Concurrent sentence, but here's the **PROBLEM!**

**This sentence from Baltimore County was originally imposed by Honorable Judge Lawrence R. Daniels in the year 1995.**

A suspended sentence that was **revisted, revoke and reinstated** to be served from a 3yr suspended sentence.

As your Honor is already aware of by rule, this sentence can not be change to run **Consecutive** because it now repersents an irregality in the sentencing sequence.

(Irregularity)

UCS-AAR

CRIMINAL DEPT.  
2014 FEB 20 A 10:43



Received by Judge Mulford's Chambers on 2/19/14

Once a sentence has been imposed and then suspended, the suspension may be revoked but {397 A.2d 302} the original sentence itself may not, in any of its terms, be modified upward. *Magrogan v. Warden*, 16 Md. App. 675; *Coleman v. State*, 231 Md. 220. To change a sentence from a concurrent one to a consecutive one is a modification *upward*. This represented an increase in the sentence earlier suspended, which is not permitted.

Your Honor, I ask you now, how can I, the defendant serve your sentence which has already started on June 14<sup>th</sup>, 2007, when my first original sentence is now behind the Anne Arundel County imposed on March 28<sup>th</sup>, 2008 case number 02-K-07-001393.

(*The*)

Your Honor, is it clear that State has fail by not adhering to listen to what I, the defendant has been trying to show the Public Defenders Office and the Honor Court for 3 years and still counting...

How can I now serve this sentence properly if in fact the sentencing sequence is indeed out of Order?

**Baltimore Country sentence that was imposed on October 6<sup>th</sup>, 2008, case number 03-K-95-001261, is clearly a suspended 2 year sentence revisited, so therefore it should have been dealt with first... *which had Expired on April 3rd, 2008...***

Your Honor, then there's that issue with the 5 year sentence that was imposed on March 28<sup>th</sup>, 2008 for Count No: 6 Charge: CJIS: 15299 Handgun use/Felony Violent Crime. Sentence of 10 years with 5 years suspended and the first five years w/o parole to begin on June 14<sup>th</sup>, 2008. See Sentencing Transcript pg. 21

I ask your Honor, should not this sentence have been served as well to its full mandatory on June 14<sup>th</sup>, 2012?

And when should have Count No: 1 Charge: CJIS: 20705 Armed Robbery. Sentence of 20 years with 10 years suspended said consecutive to count 6, start?

Your Honor, how can any of these sentences start or end if in fact they are not imposed properly in order?

Your Honor, CASEMANAGEMENT HAS inform THE WARDER that my Baltimore County Conviction CASE NUMBER 03-K-95-001261 that was REINSTATED from the SUSPENDED portion of the SENTENCE (2 YEARS), WAS imposed 6 months AFTER THE SENTENCE had "EXPIRED". . . THE BALTIMORE COUNTY SUSPENDED SENTENCE WAS MADE TO RUN CONSECUTIVE TO Your Honor's SENTENCE CASE NUMBER 02-K-07-001393, AFTER it had "EXPIRED" ON April 3rd, 2008. THE BALTIMORE COUNTY SUSPENDED SENTENCE WAS imposed OR REIMPOSED ON October 10<sup>th</sup>, 2008.

Your Honor, I WAS TOLD THAT CASEMANAGEMENT (ALWAYS) KNEW THAT BALTIMORE COUNTY CASE NUMBER 03-K-95-001261, SHOULD HAVE BEEN FIRST. THE PERSON WHO TOLD ME THIS SAID THAT HE WAS TOLD THAT IT IS NOT CASEMANAGEMENT'S AFFAIR TO CONTACT THE COURT ABOUT ANY IMPOSED SENTENCES THAT MAY CAUSE A PROBLEM WITH THE INMATE SERVING A SENTENCE THAT IS IRREGULAR.

I ASK YOUR HONOR TO SEE PLEASE SEE  
BISHOP L. ROBINSON AND FRED D. JORDAN, JR V. TERRY AVON LEE  
317 Md. 371; 564 A.2d 395; 1989. YOUR HONOR WILL SEE THAT IN

this case, the Secretary of Public Safety and Correctional Services and the Commissioner of Corrections of the State of Maryland (And the Warden), filed An Action for Declaratory Judgment in the Circuit Court for Washington County Requesting the Circuit Court to determine the duration of Terry Avon LEE's Custody.

So Your Honor, what Casemanagement Johnson "Told ME WAS NOT TRUE. IT WAS WRONG FOR CASEMANAGEMENT TO WITHHOLD THIS ISSUE OF THE SENTENCING ORDER NOT BEING CORRECT.

ALL OF MY GOOD TIME HAS BEEN ADDED WRONG SINCE DAY ONE BECAUSE ANNE ARUNDEL COUNTY CASE NUMBER 02-K-00139 IS NOT MY "FIRST" SENTENCE, AND I WAS TAKEN UP FOR PAROLE LAST YEAR ON ALL 3 SENTENCES, BALTIMORE COUNTY, ANNE ARUNDEL COUNTY, AND BALTIMORE CITY "ALL AT THE SAME TIME"...

HONORABLE JUDGE MULFORD, THIS IS WRONG,  
VERY WRONG...

AND I DO NOT MEAN TO BE REdundant Your Honor, but how or  
Why would Commitment At Hagerstown do this? Should I  
HAVE BEEN TOLD ABOUT BALTIMORE COUNTY BEING FIRST?

The sentencing order should read like this base on the 1995 conviction from Baltimore Country case number 03-K-95-001261.

**Sentence A. Baltimore Country Circuit- imposed on October 6<sup>th</sup>, 2008case number 03-K-95-001261**

**Sentence B. Anne Arundel County imposed on March 28<sup>th</sup>, 2008 case number 02-K-07-001393**

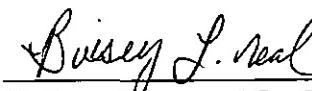
**Sentence C. Baltimore City imposed on March 10<sup>th</sup>, 2009  
case number Case No: 207255048, 49, 50, and 51.**

Your Honor, base on the clear issues that I the defended has sent to the Honorable Judge William C. Milford II, of the irregularity and wrongdoing of the sentencing sequence not being properly imposed in order, I ask Your Honor to grant a hearing for a declaratiy of sentence in Your Honor's Court so that the defended may indeed know what sentence he is now serving.

**Wherefore**, it is respectfully requested that this Honorable Court:

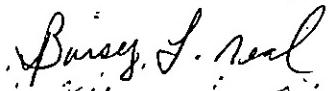
- A. Grant a hearing for a Declaratory pronouncement of Sentence.
- B. Correct the wrong that has been done by not following the sentencing orders from The Honorable Judge William C. Milford II on the sentencing transcript of the imposed sentence of 5 years that was said to start on June 14<sup>th</sup>, 2007 which should have already reached to its full mandatory on June 14<sup>th</sup>, 2012?
- C. Any and all further relief that this Honorable Court can provide in this matter.

Sincerely Submitted,

  
Boisey Levern Neal 349-871  
18800 Roxbury Rd.  
Hagerstown, Md. 21746

## CERTIFICATE OF SERVICE

I, Boisey Neal, Hereby, Certify That on this 4th day of February, 2014, a copy of the foregoing letter for a Declaratory Pronouncement of Sentence; was mailed, postage prepaid to the Office of the State's Attorney at: 7 Church Circle, Annapolis, MD. 21401.



Boisey Levern Neal # 349-871  
Petitioner,  
188000 Roxbury RD.  
Hagerstown, MD. 21746



I Ask The Honorable Judge To PLEASE forgive All The  
Mistakes That have BEEN Made in This Letter...